

DISTRICT 9

WHITEWATER VALLEY PRO BONO COMMITTEE

2001 ANNUAL REPORT AND PLAN

COVER SHEET

I. COUNTIES SERVED

The District 9 Whitewater Valley Pro Bono Committee serves Wayne, Fayette, Franklin, Union, and Rush Counties. The District is primarily rural with Richmond located in Wayne County and Connersville located in Fayette County being the most metropolitan areas.

II: CONTACT PERSON AND PHONE:

CHAIR:

Gregory A. Horn
Judge, Wayne Superior Court No. 2
Wayne County Courthouse
301 East Main Street
Richmond, Indiana 47374
Telephone: 765-973-9260
Facsimile: 765-973-9250

PLAN ADMINISTRATOR:

Courtney Mathews
Paralegal, Genesis of the YWCA
P.O. Box 2430
Telephone: 765-965-9188
Facsimile: 765-965-9217

III: IDENTIFICATION OF NEED/DOCUMENTATION OF NEED:

The Plan Administrator is responsible for monitoring the needs of the indigent within the District. The number of intakes and contacts is tracked by the Plan Administrator.

IV: TARGET POPULATION: WHO, WHERE, HOW IDENTIFIED:

The target population are indigent individuals that are at or below 125% of the poverty guidelines. The target population is spread throughout the entire District 9 albeit that the majority of the

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need is concentrated in Wayne and Fayette Counties which those counties containing the largest cities in the District - Richmond and Connersville. The target population is being identified by contact and placing literature in those establishments that regularly serve the indigent population such as the local homeless and abuse shelters, drug and alcohol facilities, churches, United Way, YWCA, etc..

V: METHODS/ACTION PLAN:

The District 9 Whitewater Valley Pro Bono Committee has developed an intake procedure whereby indigent persons can contact the Plan Administrator and provide the necessary information in order for the case to be assigned to an attorney working within the Plan. The case is assigned to an attorney who then meets with the client to formulate the objectives of the client. At the conclusion of the case evaluation/monitoring forms are sent to track the success of the work completed and to evaluate the delivery system established by the Committee.

VI: OUTCOMES:

At the conclusion of the case the satisfaction of the client is addressed by way of a questionnaire.

VII: EVALUATION:

The Disposition Form and Case Closing report will assist in collecting client stories and determining whether or not the client's goals were met. If the client's goals were not met it is believed that the forms will allow the client to make suggestions as to how that client could have been better served. The Plan Administrator will also follow up personally with each client at the conclusion of the case.

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SUMMARY OF CURRENT DISTRICT ACTIVITIES

The District 9 Whitewater Valley Pro Bono Committee Board of Directors operates as an unincorporated association. By-Laws were established and approved that provide for members of the Board Of Directors to be elected. Six (6) of such Directors are to be elected to terms of one (1) year and five (5) Directors to be elected to terms of two (2) years. Vacancies are to be filled by the Executive Committee.

The Plan Administrator of the District 9 Whitewater Valley Pro Bono Committee is Courtney Mathews, Paralegal with Genesis of the YWCA, P.O. Box 2430, Richmond, Indiana 47375. As Plan Administrator, all telephone calls and inquiries are made through Courtney. Courtney travels the entire District to assist in referrals, publicity, and assigning of cases. As Plan Administrator, Courtney follows through with the attorneys and clients in making sure that the client's needs are met and, then, at the conclusion of the case providing the assessment and monitoring procedures.

The year 2000 was spent primarily getting the Plan implemented, surveying the need and how best to serve that need, and engaging attorneys in enrollment in the pro bono project. District 9 has traditionally been served by Legal Services Organization and there has been little, if any, organized pro bono effort by the local Bar Associations. The Committee felt that the plan should be first implemented in Wayne County as it has the largest need and available attorney resources. The task of getting attorneys to "buy in" into the plan was difficult. Several Bar Association meetings were held in order to discuss the proposals and to allay any fears of the local Bar. With encouragement, attorneys signed on to participate in the District 9 Plan.

The District has implemented its Plan in Wayne County only. The other areas within the district are still being served on an ad hoc basis. The Committee is now in the process of beginning

implementation in the other counties. This process will occur much as it did in Wayne County as outlined above.

The district is identifying clients by word of mouth throughout the community and posting information in those targeted areas.

The funding which the Committee has only recently received has initially been targeted at getting word out to the shelters,

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churches, libraries and other areas where the targeted population is believed to be most present. The screening of those clients is done by the Plan Administrator to make sure that there is a need and that the person fits within the LSOI income criteria.

Clients are matched with a Plan attorney by looking at the type of case the client has and matching that with a Plan attorney willing to undertake that type of case. Attorneys are assigned only one case at a time at this time. Presently there are a sufficient number of attorneys in Wayne County to continue this practice.

Litigation expenses and out of pocket costs may be submitted by a Plan Attorney for reimbursement. As reimbursement requests are typically made at the conclusion of the case, no requests for reimbursement have been made at this time.

Judges within the District have offered general assistance in helping the attorneys. Other more experienced practitioners in an area have also offered assistance. In addition, the District's budget provides for limited funding for CLE credit and attendance to assist in the learning curve.

LSOI offers malpractice insurance to those attorneys handling a matter through the District 9 Plan.

The Plan Administrator, Courtney Mathews, is responsible for the administration and record keeping of the assigned case.

At its June, 2001 meeting the Committee approved a recognition plan whereby an advertisement would be placed in the local paper recognizing the participating attorneys; in addition, a year end program may be offered entitling the participating attorneys to free CLE credit and recognition at this seminar; also, as a part

of Law Day the participating attorneys would be honored.

Pro bono lawyers within the District are supported in various ways: the Courts will work with the attorney in scheduling his or her case; through the recognition set forth above; through the CLE and assistance as set forth above.

The Whitewater Valley Pro Bono Committee did not receive its funding until April, 2001. Therefore, as of this date no funds have been expended. At its June, 2001 meeting, the Committee approved expenditures to be made shortly, including publicity in getting the word out as to the program to the Committee's target population.

The Committee's monitoring methods include the use of the following

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forms:

- a. District 9 Pro Bono Committee Handbook For Lawyers which sets forth the procedures to be utilized by each attorney agreeing to be a part of the Plan.
- b. List of attorneys agreeing to accept referrals, the counties in which that attorney will agree to practice and accept referrals, and the type of case that attorney will accept as a referral.
- c. Case tracking sheet which collects and records client name, attorney name, case type, referral date, case closed date, and hours expended on the case.
- d. Pro Bono Retainer Agreement.
- e. Correspondence for referral.
- f. Disposition Form and Case Closing Report.

Resources in the communities in our District include:

1. Genesis of YWCA which provides shelter for domestic abuse situations;

2. Community Action Of East Central Indiana which offers energy assistance, food relief, and shelter facilities for the homeless;
3. Several of the larger churches in the communities offer various programs for the needy.

Finally, the District 9 Committee has identified three (3) problem areas to address:

1. Conflict attorneys;
2. The number of attorneys within the Plan willing to assist in pro bono representation; and,
3. Lack of knowledge of the program by the targeted population.

The Committee has established an action plan to address these problem areas.

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SECTION B: 2001 ANNUAL REPORT

1. COMMITTEE MEMBERS:

- a. Gregory A. Horn, Chair Chair
Judge, Wayne Superior Court No. 2
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- b. Tom Alberts Com At Large
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- c. Carolyn Bunzendahl Com At Large
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- d. Michael A. Douglas Union Co. Bar
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- e. Cindy Hartman Com At Large

Director, YWCA
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Richmond, Indiana 47374
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SECTION B: 2001 ANNUAL REPORT

COMMITTEE MEMBERS, PAGE TWO (2)

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- i. Amy Noe Wayne County Bar
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- k. Robert L. Reinke Com At Large
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SECTION B: 2001 ANNUAL REPORT

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- m. John F. Strain Wayne County Bar
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- n. Staci Terry Wayne County Bar
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- o. Brook Hindley Com At Large
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- p. Hon. James R. Williams Judicial Rep
Judge, Union Circuit Court
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- q. Hon. Barbara Arnold Harcourt Judicial Rep
Judge, Rush Circuit Court
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2. GOVERNANCE:

The District 9 Whitewater Valley Pro Bono Committee Board of Directors chose to remain an unincorporated association rather than incorporate. By-Laws were established and approved that provide for members of the Board of Directors to be elected. Six (6) of such Directors shall be elected to terms of one (1) year and five (5) Directors to be elected to terms of two (2) years. Vacancies are to be filled by the Executive Committee. A copy of the District's By-Laws are included as a part of this Report and Plan.

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3. PLAN ADMINISTRATOR:

The Plan Administrator of the District 9 Whitewater Valley Pro Bono Committee is Courtney Mathews, Paralegal with Genesis of the YWCA, P.O. Box 2430, Richmond, Indiana 47375, Telephone: 765-935-3920, Facsimile: 765-965-9217. Courtney's position is not paid through the District but, rather, privately. As Plan Administrator, all telephone calls and inquiries are made through Courtney. Courtney travels the entire District to assist in referrals, publicity, and assigning of cases. As Plan Administrator, Courtney follows through with the attorneys and clients in making sure that the client's needs are met and, then, at the conclusion of the case providing the assessment and monitoring procedures.

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4. PRIOR YEAR PROGRESS:

The year 2000 was spent primarily getting the Plan implemented, surveying the need and how best to serve that need, and engaging attorneys in enrollment in the pro bono project. District 9 has traditionally been served by Legal Services Organization and there has been little, if any, organized pro bono effort by the local Bar Associations. The Committee felt that the plan should be first implemented in Wayne County as it has the largest need and available attorney resources. The task of getting attorneys to "buy in" into the plan was difficult. Several Bar Association meetings were held in order to discuss the proposals and to allay any fears of the local Bar. The Committee enlisted the services of the Indiana Bar Foundation and the State Pro Bono Commission in having speakers come to Richmond to discuss the proposals of our particular Committee, the need for pro bono assistance, IOLTA, and Rule 6.5 in general. Following those meetings, the Wayne County Judges sent letters to each attorney encouraging assistance with the District 9 Plan. With such encouragement, attorneys signed on to participate in the District 9 Plan. Finally, in the first quarter of 2001, cases were assigned to Wayne County attorneys by the Plan Administrator. As of this date, no case assigned to a Plan attorney has been brought to a conclusion. However, monitoring methods have been established and the Committee is hopeful that the plans established will be successful. The Committee has determined that now that Wayne County is moving forward that the plan can begin implemented in Fayette, Franklin, Union, and Rush counties.

As to the monies which were allocated to District 9, the Whitewater Valley Pro Bono Committee did not receive its funding until April, 2001. Therefore, as of this date no funds have been expended. At its June, 2001 meeting, the Committee approved

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PRIOR YEAR PROGRESS, PAGE TWO (2)

expenditures to be made shortly, including publicity in getting the word out as to the program to the Committee's target population.

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5. MONITORING METHODS:

The Committee has determined that the monitoring methods established by Indiana Legal Services Organization were useful and appropriate in determining the success of each individual assigned case. Such plan includes the following forms and procedures:

- a. District 9 Pro Bono Committee Handbook For Lawyers which sets forth the procedures to be utilized by each attorney agreeing to be a part of the Plan.
- b. List of attorneys agreeing to accept referrals, the counties in which that attorney will agree to practice and accept referrals, and the type of case that attorney will accept as a referral.
- c. Case tracking sheet which collects and records client name, attorney name, case type, referral date, case closed date, and hours expended on the case.
- d. Pro Bono Retainer Agreement.
- e. Correspondence for referral.
- f. Disposition Form and Case Closing Report.

Through use of these procedures, the Plan Administrator will be able to monitor the number of attorneys participating,

the number of clients served, and the number of attorney hours expended. The Disposition Form and Case Closing report will assist in collecting client stories and determining whether or not the client's goals were met. If the client's goals were not met it is believed that the forms will allow the client to make suggestions as to how that client could have been better served. The Plan Administrator will also follow up

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MONITORING METHODS, PAGE TWO (2)

personally with each client at the conclusion of the case. The costs will be monitored in the same way.

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6. MONITORING RESULTS:

As noted above, as of this date no assigned case has yet been brought to conclusion. Accordingly, we are not in a position to fully evaluate our monitoring methods. We are, however, optimistic in this regard.

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7. EXISTING SERVICES, PROGRAMS, AND FUNDING SOURCES:
- a. At this time, while there are several groups which assist the needy throughout the District, there are none offering legal services other than the District 9 Pro Bono Committee.
 - b. Those programs which may provide pro bono opportunities include the following;
 - 1. United Way of Whitewater Valley;
 - 2. Boys And Girls Clubs Of Wayne County;
 - 3. Genesis of YWCA;
 - 4. Community Action Of East Central Indiana; and,
 - 5. Several churches which assist the needy;
 - c. Other resources in the communities in our District include:
 - 1. Genesis of YWCA which provides shelter for domestic abuse situations;
 - 2. Community Action Of East Central Indiana which offers energy assistance, food relief, and shelter facilities for the homeless;
 - 3. Several of the larger churches in the communities offer various programs for the needy.
 - d. Other sources of funding for the District:

1. While not implemented, other sources of possible funding include the Wayne County Foundation which offers various grants and scholarships and perhaps fund raising activities by the Committee.

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8. CURRENT LEGAL SERVICE DELIVERY SYSTEM AND THE PRO BONO ASPECT OF THE SYSTEM:

- a. At this time, the District has implemented its Plan in Wayne County only. The other areas within the district are still being served on an ad hoc basis. As noted above, however, the Committee is now in the process of beginning implementation in the other counties. This process will occur much as it did in Wayne County as outlined above.

The district is identifying clients by word of mouth throughout the community as positing information in those targeted areas. Indeed, the funding which the Committee has only recently received has initially been targeted at getting word out to the shelters, churches, libraries and other areas where the targeted population is believed to be most present. The screening of those clients is done by the Plan Administrator, Courtney Mathews, to make sure that there is, in fact, a need and that the person fits within the LSOI income criteria.

- b. The clients are matched with a Plan attorney by looking at the type of case the client has and matching that with a Plan attorney

willing to undertake that type of case. Attorneys are assigned only one case at a time at this time. Presently there are a sufficient number of attorneys in Wayne County to continue this practice.

- c. Litigation expenses and out of pocket costs may be submitted by a Plan Attorney for reimbursement. The Handbook suggests that these be expenses and costs be submitted for reimbursement at the conclusion of the case and, so, at this time no requests for reimbursement have been made. Such costs and

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CURRENT LEGAL SERVICE DELIVERY SYSTEM AND THE PRO BONO ASPECT OF THE SYSTEM, PAGE TWO (2)

expenses are made a part of the District 9 budget and the Committee does anticipate receiving such requests. The Plan Administrator will review such requests.

- d. District 9 has been fortunate in that the Judges within the District are willing to mentor attorneys who undertake pro bono representation. While the Judges cannot, obviously, become involved in assisting the attorney in a specific case, the Judges have offered general assistance in helping the attorneys. Other more experienced practitioners in an area have also offered assistance. In addition, the District's budget provides for limited funding for CLE

credit and attendance to assist in the learning curve.

- e. LSOI offers malpractice insurance to those attorneys handling a matter through the District 9 Plan.
- f. The Plan Administrator, Courtney Mathews, is responsible for the administration and record keeping of the assigned case.
- g. The District 9 Committee at its June, 2001 meeting approved a recognition plan whereby an advertisement would be placed in the local paper recognizing the participating attorneys; in addition, a year end program may be offered entitling the participating attorneys to free CLE credit and recognition at this seminar; also, as a part of Law Day the participating

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CURRENT LEGAL SERVICE DELIVERY SYSTEM AND THE PRO BONO ASPECT OF THE SYSTEM, PAGE THREE (3)

attorneys would be honored.

- h. Pro bono lawyers within the District are supported in various ways: the Courts will work with the attorney in scheduling his or her case; through the recognition set forth above; through the CLE and assistance as set forth above.

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SECTION C: 2001 ANNUAL PLAN

a. PROBLEM IDENTIFICATION #1:

District 9 has determined that there is a barrier faced by indigent individuals in their effort to resolve problems through the District's particular delivery system where there is a conflict of interest because one of the spouses in a dissolution of marriage case is already utilizing the Pro Bono Program or an individual is above the income criteria because the *other* spouse makes more than 150% of poverty guidelines, which disqualifies the "needy" spouse.

b. SUPPORTIVE DATA:

Unfortunately, no supportive data exists at this time. The Plan Administrator has brought the problem to the district Committee's attention and the Committee has asked the Plan Administrator to keep documentation on the frequency of this situation as well as financial information. The Committee hopes to have a better handle on this information in its next Report now that it has identified this as a problem.

c. Recommended Actions To Address The Problem:

Unfortunately, the Committee has not determined an appropriate response or action. The Committee hopes to discuss this problem with other Districts. By implementing its Plan, District 9 is now servicing the needs of indigent individuals but it has not

determined how to serve the need when one person is utilizing the Plan and a conflict develops or income guidelines are exceeded by the other spouse. The action thus far recommended is to attempt to utilize the services of an ad hoc attorney willing to do pro bono work outside the auspices of the Plan. The other alternative would be approval by an ethics opinion that there is a "Chinese

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PROBLEM IDENTIFICATION #1, PAGE TWO (2):

Wall" between attorneys within the Plan. The only information that would be gleaned to create any conflict would be by the Plan Administrator and not by the

d. Coordination:

The Coordination between the Plan and the attorneys with respect to the indigent individual in this case is the problem itself. Again, the hope is to obtain an attorney outside the auspices of the Plan to solve the conflict situation. The Plan Administrator or a Judge would have to call to see if an attorney was willing to accept a pro bono referral outside of the Plan.

e. Expected Results:

The Committee is not optimistic with respect to Problem #1. The Committee saw the benefit to LSOI providing malpractice insurance as a part of the benefits to pro bono attorneys working within the Plan. In a conflict situation described in Problem #1, the attorney would be without the benefit of the

LSOI insurance. Attorneys may be reluctant to get involved where the insurance cannot be provided. If a resolution can be accomplished, the expected benefit would be even greater access to resources for pro bono litigants.

f. Benchmarks:

The number of attorneys willing to take conflict cases or income disqualification cases outside the Plan. The Committee believes that success in this regard would be two (2) to three (3) attorneys willing to take on such cases outside the Plan.

g. Costs associated with benchmarks:

There would be no costs associated with achieving the hoped results.

SECTION C: 2001 ANNUAL PLAN

a. PROBLEM IDENTIFICATION #2:

District 9 has determined that there is a barrier faced by indigent individuals in their effort to resolve problems through the District's particular delivery system because there are not enough attorneys working within the Plan at this time. While the Plan appears to be working in Wayne County, the Plan has yet to become fully operational in the other counties within the District.

b. SUPPORTIVE DATA:

The supportive data existing which confirms this barrier is the Attorney List maintained by the Plan Administrator.

c. Recommended Actions To Address The Problem:

As noted above, at its June meeting the Committee has determined that Wayne County is functioning as hoped and that implementation of the Plan should now begin in the other outlying counties. The Plan Administrator is scheduling meetings with the appropriate individuals, the Wayne County judges have assisted in garnering support for the program, and getting on the agenda of the local Bar Association meetings. While the District Committee does have attorneys in nearly all of the counties, the numbers need to be increased to overcome the barrier.

d. Coordination:

The Coordination between the Plan and the attorneys will be accomplished as set forth above in the recommended actions to be taken.

e. Expected Results:

The Committee is optimistic with respect to Problem #2. It is anticipated that we will have 75% participation from the attorneys in Union County, 5 attorneys in Fayette County, 2 attorneys in Franklin County, and 3 attorneys in Rush County.

f. Benchmarks:

The number of attorneys willing to take pro bono cases

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PROBLEM IDENTIFICATION #2, PAGE TWO (2)

within the District's Plan. The Committee believes that success in this regard would be as set forth above.

g. Costs associated with benchmarks:

The costs associated with achieving the expected

results would include the costs of publicity, attendance of speakers, and other minor costs in meeting with the attorneys to bring them within the Plan.

SECTION C: 2001 ANNUAL PLAN

a. PROBLEM IDENTIFICATION #3:

District 9 has determined that there is a barrier faced by indigent individuals in their effort to resolve problems through the District's particular delivery system due to a lack of knowledge by the targeted population that the program exists.

b. SUPPORTIVE DATA:

While the Committee does not have supportive data at this time, the Committee has learned from word of mouth that the target population is not fully informed about the Program.

c. Recommended Actions To Address The Problem:

At its June meeting the Committee voted to begin a publicity campaign by placing brochures, posters, and flyers at targeted locations to advertise the Program.

d. Coordination:

The Coordination between the Plan and the attorneys will be of utmost importance in this regard. As a Committee Member learns of a need and where the targeted population can be accessed, that information will be conveyed to the Plan Administrator who can then advise the Committee.

e. Expected Results:

The Committee is optimistic with respect to Problem #3. It is anticipated that we will have brochures, posters, and flyers with respect to the program in most of the areas where the targeted population frequents.

f. Benchmarks:

Over 100 printed, graphic brochures, flyers, and posters distributed in areas where the targeted

population frequents.

- g. Costs associated with benchmarks:

The costs associated with achieving the expected results would include the costs of printing and distribution of the brochures, posters, and flyers.